

PATENT/Docket No. PC28117A

Appl. No. 10/776,337

Filing Date: 2/12/2004

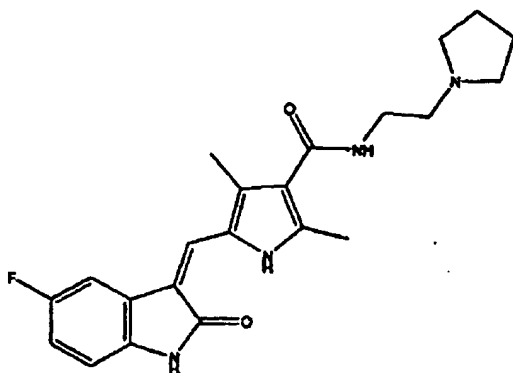
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AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

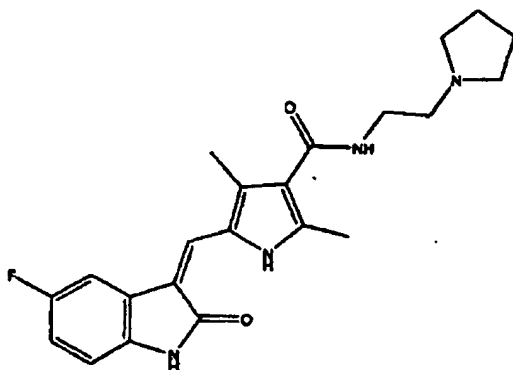
Listing of Claims:

1. (~~Withdrawn – Currently amended~~) A compound of the formula I:



substantially free of the polymorph I form.

2. (~~Currently amended~~) A compound of the formula I:



substantially free of the polymorph II form.

3. (~~Withdrawn – Currently amended~~) The compound of claim 1 having the ~~PXRD pattern~~ shown in Figure 1, form II, a powder X-ray diffraction spectrum comprising peaks expressed in degrees (± 0.1 degree) of two theta angle of 7.1, 13.9, 16.0, 20.9, and 24.7 obtained using CuK α_1 emission (wavelength = 1.5406 Angstroms).

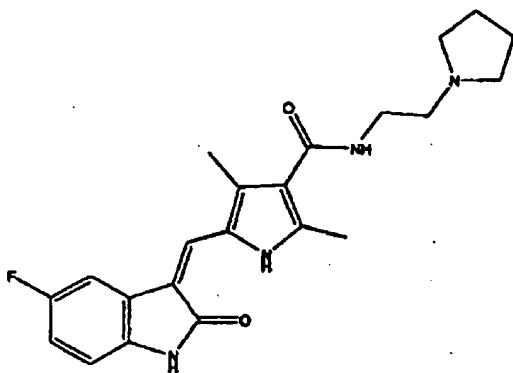
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4. (Currently amended) The compound of claim 2, having the ~~PXRD pattern shown in Figure 1, form I:~~ a powder X-ray diffraction spectrum comprising peaks expressed in degrees (\pm 0.1 degree) of two theta angle of 5.0, 16.7, 18.9, 24.8, and 27.3 obtained using $\text{CuK}\alpha_1$ emission (wavelength = 1.5406 Angstroms).

5. (Original) A composition comprising polymorph I of a compound of formula I:



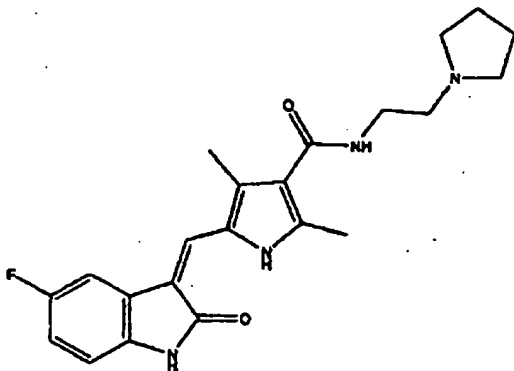
wherein polymorph I comprises more than about 85 weight percent of the composition.

6. (Original) The composition of claim 5, wherein polymorph I comprises more than about 90 weight percent of the composition.

7. (Original) The composition of claim 5, wherein polymorph I comprises more than about 95 weight percent of the composition.

8. (Original) The composition of claim 5, wherein polymorph I comprises more than about 99 weight percent of the composition.

9. (Withdrawn) A composition comprising polymorph II of a compound of formula I:



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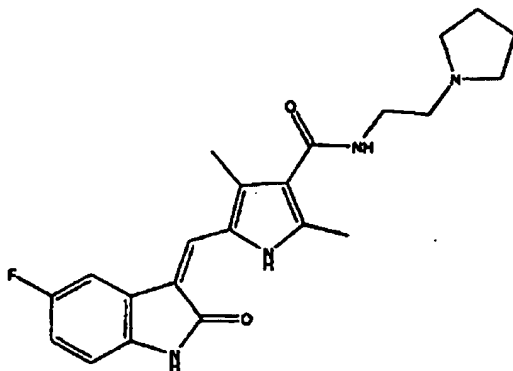
wherein polymorph II comprises more than about 85 weight percent of the composition.

10. (Withdrawn) The composition of claim 9, wherein polymorph II comprises more than about 90 weight percent of the composition.

11. (Withdrawn) The composition of claim 9, wherein polymorph II comprises more than about 95 weight percent of the composition.

12. (Withdrawn) The composition of claim 9, wherein polymorph 11 comprises more than about 99 weight percent of the composition.

13. (Currently amended) A polymorph of the compound of the formula I:



wherein said polymorph is made by:

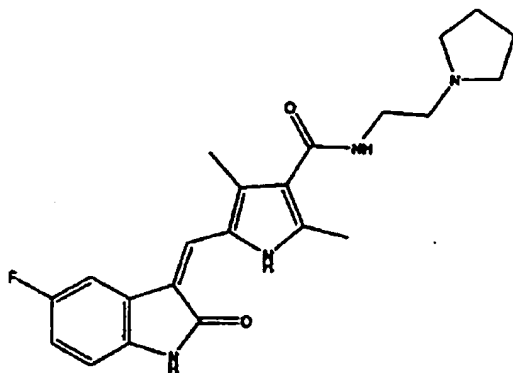
- (a) dissolving said compound in an acidic aqueous solution;
- (b) basifying said aqueous solution thereby precipitating said compound substantially free from the polymorph II form; and
- (c) isolating the precipitated polymorph I form of said compound.

14. (Currently amended) A polymorph of the compound of the formula I:

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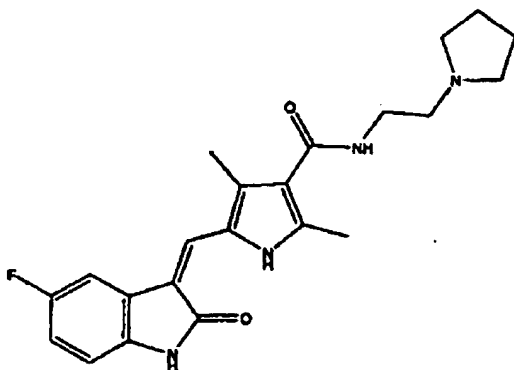
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wherein said polymorph is made by:

- (a) dissolving said compound in a polar organic solvent that does not form hydrogen bonds;
- (b) evaporating said polar organic solvent thereby precipitating said compound substantially free from the polymorph II form; and
- (c) isolating the precipitated polymorph I form of said compound.

15. (Withdrawn – Currently amended) A polymorph of the compound of the formula I:



wherein said polymorph is made by:

- (a) dissolving said compound in a polar organic solvent that forms hydrogen bonds;
- (b) evaporating said polar organic solvent thereby precipitating said compound substantially free from the polymorph I form; and
- (c) isolating the precipitated polymorph II form of said compound.

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16. (Original) The polymorph made by the process of claim 14, wherein said polar organic solvent that does not form hydrogen bonds is THF.
17. (Withdrawn) The polymorph made by the process of claim 15, wherein said polar organic solvent that forms hydrogen bonds is methanol.
18. (Currently amended) A pharmaceutical composition, comprising a compound of ~~one of~~ claims 1 or claim 2 and a pharmaceutically acceptable carrier or excipient.
19. (Withdrawn) A method for the modulation of the catalytic activity of a protein kinase comprising contacting said protein kinase with a compound of one of claims 1 or 2.
20. (Withdrawn) The method of claim 19 wherein said protein kinase is selected from the group consisting of a receptor tyrosine kinase, a non-receptor tyrosine kinase and a serine-threonine kinase.
21. (Withdrawn) A method for treating or preventing a protein kinase related disorder in an organism comprising administering a therapeutically effective amount of a pharmaceutical composition comprising a compound of one of claims 1 or 2 and, a pharmaceutically acceptable carrier or excipient to said organism.
22. (Withdrawn) The method of claim 21 wherein said protein kinase related disorder is selected from the group consisting of a receptor tyrosine kinase related disorder, a non-receptor tyrosine kinase related disorder and a serine-threonine kinase related disorder.
23. (Withdrawn) The method of claim 21 wherein said protein kinase related disorder is selected from the group consisting of an EGFR related disorder, a PDGFR related disorder, an IGFR related disorder, a c-kit related disorder, and a flk related disorder.
24. (Withdrawn – Currently amended) The method of claim 21 wherein said protein kinase related disorder is a cancer selected from the group consisting of leukemia, brain cancer, non-small cell lung cancer, squamous cell carcinoma, astrocytoma, Kaposi's sarcoma, glioblastoma, lung cancer, bladder cancer, head cancer, neck cancer, melanoma, ovarian cancer, prostate cancer, breast cancer, small-cell lung cancer, glioma, mastocytosis, mast cell tumor, colorectal cancer, genitourinary cancer and gastrointestinal stromal cancer.
25. (Withdrawn) The method of claim 21 wherein said protein kinase related disorder is selected from the group consisting of diabetes, an autoimmune disorder, a hyperproliferation disorder, restenosis, fibrosis, psoriasis, von Heppel-Lindau disease, osteoarthritis, rheumatoid

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arthritis, angiogenesis, an inflammatory disorder, an immunological disorder and a cardiovascular disorder.

26. (Withdrawn) The method of claim 21 wherein said organism is a human.
27. (Withdrawn) A method of treating cancer in companion animals comprising administering a pharmaceutical composition, comprising a compound of one of claims 1 or 2 and a pharmaceutically acceptable carrier or excipient.
28. (Withdrawn) The method of claim 27, wherein said companion animal is a cat or a dog.